

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:19-CV-478-D

MATTHEW HODGE, et al.,

Plaintiffs,

v.

NORTH CAROLINA DEPARTMENT  
OF PUBLIC SAFETY, et al.,

Defendants.

**ORDER**

On July 26, 2022, pursuant to 28 U.S.C. § 636(b)(1), the court referred defendants' motion for sanctions or, in the alternative, to compel discovery responses and depositions [D.E. 73], an affidavit [D.E. 74], and a memorandum in support [D.E. 75] to Magistrate Judge Robert T. Numbers, II [D.E. 76]. On October 17, 2022, Magistrate Judge Numbers issued Memorandum and Recommendations ("M&R") and recommended that the 84 plaintiffs who failed to participate in discovery be dismissed and that the 12 representative opt-in plaintiffs who failed to fully comply with discovery be given more time to comply. See [D.E. 90] 6, 11–12. On October 31, 2022, the parties submitted a joint notice stating that seven representative opt-in plaintiffs' failed to comply with discovery [D.E. 91]. On November 3, 2022, Magistrate Judge Numbers issued a second M&R and recommended that the seven representative opt-in plaintiffs who failed to comply with discovery also be dismissed [D.E. 92]. No one objected to the M&R.

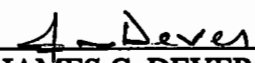
"[T]he Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge's report or specified proposed findings or recommendations to which objection is made." Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th

Cir. 2005) (cleaned up); see 28 U.S.C. § 636(b)(1). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted). If a party makes only general objections, de novo review is not required. See Wells v. Shriners Hosp., 109 F.3d 198, 200 (4th Cir. 1997). In “order to preserve for appeal an issue in a magistrate judge’s report, a party must object to the finding or recommendation on that issue with sufficient specificity so as reasonably to alert the district court of the true ground for the objection.” Martin v. Duffy, 858 F.3d 239, 245 (4th Cir. 2017) (quotation omitted); see United States v. Midgette, 478 F.3d 616, 622 (4th Cir. 2007).

The court has reviewed the M&Rs, the record, and the parties’ joint response. The court is satisfied that there is no clear error on the face of the record.

In sum, the court ADOPTS the M&Rs [D.E. 90, 92]. Plaintiffs who failed to comply with discovery are DISMISSED WITH PREJUDICE.

SO ORDERED. This 2 day of December, 2022.

  
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JAMES C. DEVER III  
United States District Judge